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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,288	07/23/2003	Robert G. Thompson	67,036-027; B05747-AT6	7894
26096	7590	03/15/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			CASAREGOLA, LOUIS J	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/625,288

Applicant(s)

THOMPSON, ROBERT G.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) 12-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Restriction Requirement***

Restriction to one of the following inventions is required under 35 USC 121:

- I. Claims 1-11 drawn to a method of operating a power plant classified in Class 60, subclass 773, and
- II. Claims 12-16 drawn to a power plant classified in Class 60, subclass 39.281.

The inventions of Groups I and II above are distinct because the method of Group I could be practiced with apparatus materially different than that of Group II. The processor and controller in the claimed apparatus constitute automated control devices for calculating corrected speed and adjusting actual speed in response to the calculated speed. The corresponding step(s) in the claimed method could however be performed manually using simplified apparatus without automated control features.

Because these inventions are distinct for the reasons given above and require separate classification and/or divergent fields of search, restriction for examination purposes as indicated is proper.

On 3/9/06, applicants attorney, Mr. David Wisz, made a telephone election of the invention of Group I, claims 1-11. An action on the merits of these claims is presented below, and non-elected claims 12-16 are withdrawn from consideration.

***Claim Rejections - 35 USC 102***

Claims 1 and 2 are rejected under 35 USC 102(b) as being anticipated by or Greune et al or Martin.

The claimed power plant operating method requires detecting an inlet temperature and varying shaft speed based on that temperature. These steps are present in the normal operation of conventional gas turbine power plants of the type disclosed in the cited references. Attention is called for example to Figure 1 of Geune; note speed governor 21 and corrective unit 20. The corrective unit adjusts or corrects the speed governor set point in response to inlet temperature as described in column 2, lines 39-63. Adjusting the governor set point in this manner will cause shaft speed to vary with temperature. Attention is additionally called to Figure 1 of Martin which shows a similar arrangement; set point 56 for speed governor 54 is corrected in response to inlet temperature by combining the output of function block 64 with speed reference signal 62. In regard to claim 2, it is further pointed out that the systems of both Greune and Martin operate to increase shaft speed as temperature increases. See for example, Greune's claim 4, which states that the desired speed signal is varied "in proportion to inlet temperature", and see also the positive slope of the speed correction characteristic in Martin's function block 64.

It is additionally noted that the claimed method is described as being "for controlling an auxiliary power unit (APU)"; see claim 1, line 1. This reference to an APU

however does not define any specific method step or structure that would distinguish the claimed power plant and its operation from the power plants in the cited prior art. As stated on page 1 of the present specification, "[a]uxiliary power units (APUs) are gas turbine engines often used in aircraft systems to provide pneumatic and shaft power in addition to a main propulsion engine"; see page 1, lines 6-7. The rejected claims however do not encompass anything beyond the operation of single engine, and the claimed reference to an APU merely suggests a potential use. If a method comprising the claimed operating steps is applicable to an engine providing some form of auxiliary power, then prior art with equivalent operating steps can be presumed applicable for the same purpose.

***Allowable Subject Matter***

Claims 7-11 are allowed. Claims 3-6 also contain allowable subject matter but are objected to as depending from a rejected parent claim. If rewritten in independent form, claims 3-6 will also be allowed.



L. J. Casaregola  
571-272-4826 (M-F; 7:30-4:00)  
571-273-8300 FAX  
March 13, 2001

Art Unit: 3746

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).